

SEP 18 1996

(8)

No. 96-270

CLERK

In the Supreme Court of the United States**OCTOBER TERM, 1995**

AMCHEM PRODUCTS, INC., ET AL.***Petitioners*****v.****GEORGE WINDSOR, ET AL.,*****Respondents***

**On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Third Circuit**

**OPPOSITION TO
PETITION FOR A WRIT OF CERTIORARI**

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5 pp

QUESTION PRESENTED

When the parties to a putative class action enter into a settlement of the class action before it is even filed, is it inappropriate for the district court to nevertheless apply the typicality and adequacy of representation requirements of Federal Rule of Civil Procedure 23(a) as well as the predominance and superiority requirements of Rule 23(b).

**PARTIES TO THE PRECEDING
AND RULE 29.6 STATEMENT**

The Respondent Casimir Balonis is dying of the asbestos cancer known as mesothelioma, and is in the terminal stages of that disease. The Respondent Margaret Balonis is his wife. The Respondent Shepard A. Hoffman is their attorney. The other parties to the proceeding are set forth at App. 292(a)-317(a) of Petitioners' Appendix to Petition for a Writ of Certiorari.

For the reasons set forth by Professor Susan P. Koniak in the law review article: FEASTING WHILE THE WIDOW WEEPS: GEORGINE V. AMCHEM PRODUCTS, INC., 80 CORNELL L. REV. 1045 (1995), the Petition for Writ of Certiorari should not be granted. In addition, there is no more reason to grant certiorari in this case than there was as to the Third Circuit's decision in *In re General Motors Corp. Pick-Up Truck Fuel Tank Prods. Liab. Litig.*, 55 F.3d 768 (3rd Cir.) cert. denied, 116 S. Ct. 88 (1995). Certiorari was denied in that case and should also be denied here.

CONCLUSION

Respondent Casimir Balonis, who is in the terminal stages of mesothelioma cancer caused by exposure to the Petitioners' asbestos products, on behalf of himself and other persons dying of asbestos cancer, respectfully request that the petition for a writ of certiorari be DENIED.

Respectfully submitted.

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SEPTEMBER 16, 1996